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**Mouzis Criminal Defense**  
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Attorney for Defendant  
DIANA CERVANTES

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF CALIFORNIA**

<b>UNITED STATES OF AMERICA,</b>	)	2:21-cr-00109-DAD
	)	
Plaintiff,	)	<b>STIPULATION REGARDING</b>
	)	<b>EXCLUDABLE TIME PERIODS</b>
<b>v.</b>	)	<b>UNDER SPEEDY TRIAL ACT</b>
	)	<b>REGARDING DEFENDANTS DIANA</b>
	)	<b>CERVANTES AND VICTOR MANUEL</b>
<b>VICTOR MANUEL VELAZQUEZ</b>	)	<b>VELAZQUEZ; FINDINGS AND</b>
<b>DIANA CERVANTES,</b>	)	<b>ORDER</b>
	)	
Defendant.	)	
_____	)	

**STIPULATION**

1. Plaintiff United States of America, by and through its counsel of record, and defendant VICTOR MANUEL VELAZQUEZ (“defendant VELAZQUEZ”), by and through his counsel of record, Timothy Zindel, and defendant DIANA CERVANTES (defendant “CERVANTES”), by and through her counsel of record, Jennifer Mouzis, hereby stipulate as follows:

2. By previous order (ECF 247), this case was set for Change of Plea Hearing for DIANA CERVANTES and set for Status Conference for VICTOR MANUEL VELAZQUEZ on November 12, 2024, and time was excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(ii), (iv) through that date.

3. By this stipulation and for the reasons set forth below, defendant CERVANTES now

1 moves to continue the change-of-plea hearing to November 19, 2024. Defendant CERVANTES  
2 also moves to exclude time between November 12, 2024, and November 19, 2024, pursuant to  
3 18 U.S.C. § 3161(h)(7)(A), B(ii), (iv) (Local Codes T2 and T4).  
4

5 4. By this stipulation and for the reasons set forth below, defendant VELAZQUEZ now  
6 moves to continue the status conference to November 19, 2024. Defendant VELAZQUEZ also  
7 moves to exclude time between November 12, 2024, and November 19, 2024, pursuant to 18  
8 U.S.C. § 3161(h)(7)(A), B(ii), (iv) (Local Codes T2 and T4).

9 5. The parties agree and stipulate, and request that the Court find the following:

10 a) Counsel for defendant CERVANTES, Ms. Mouzis, requests the continuance because  
11 Ms. Mouzis is unable to conduct the hearing on the presently scheduled date due to the fact that  
12 counsel for defendant has been in a murder trial for Stanislaus County Superior Court case of  
13 *People v. Cummings*; CR-20-010085. Trial started on October 1, 2024, and the jury is currently  
14 deliberating. Ms. Mouzis is required to remain within 20 minutes of the Stanislaus County  
15 Superior Court while deliberations are taking place, and the jurors are scheduled to resume  
16 deliberations on 11/12/24 at 9:00 a.m. Thus, Ms. Mouzis is unable to appear on 11/12/24 in this  
17 matter.

18 b) The government has extended a plea offer to defendant CERVANTES in which it has  
19 agreed, among other things, to dismiss the case against her domestic partner and codefendant,  
20 defendant VELAZQUEZ, upon imposition of defendant CERVANTES's sentence. Defendant  
21 CERVANTES has expressed her willingness to enter into this plea agreement. Defendant  
22 CERVANTES has signed a plea agreement and intends to change her plea on November 19,  
23 2024.  
24

25 c) Counsel for defendant VELAZQUEZ, Tim Zindel, is aware of this plea offer.

26 d) The government has produced over 100,000 pages of discovery and voluminous audio  
27 and audio/video discovery, including interceptions over multiple wiretapped telephones as well  
28 as recordings of controlled purchases of narcotics. Many of the recordings are in Spanish.

1 Additionally, this case is particularly complex as it concerns twelve charged defendants.

2 e) Although it is anticipated that defendant CERVANTES will plead guilty pursuant to  
3 the plea offer proposed by the government, and the government will move to dismiss the case  
4 against defendant VELAZQUEZ once defendant CERVANTES is sentenced, were the case to  
5 proceed to trial, Mr. Mouzis and Mr. Zindel would need additional time to prepare for trial.  
6

7 f) Consequently, counsel for defendants believe that failure to grant the above requested  
8 continuance would deny them the reasonable time necessary for effective preparation, taking into  
9 account the exercise of due diligence.

10 g) No defendant has invoked his/her speedy trial rights since the inception of the case.

11 h) The government does not object to the continuance.

12 i) Based on the above-stated findings, the ends of justice served by continuing the case as  
13 requested outweigh the interest of the public and the defendants in a trial within the original date  
14 prescribed by the Speedy Trial Act.

15 j) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et  
16 seq., within which trial must commence, the time period of November 12, 2024, to November  
17 19, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(ii), (iv)  
18 [Local Codes T2 and T4] because it results from a continuance granted by the Court at  
19 defendant's request on the basis of the Court's finding that the ends of justice served by taking  
20 such action outweigh the best interest of the public and the defendant in a speedy trial.

21 k) Nothing in this stipulation and order shall preclude a finding that other provisions of  
22 the Speedy Trial Act dictate that additional time periods are excludable from the period within  
23 which a trial must commence.  
24

25 //

IT IS SO STIPULATED.

Dated: November 8, 2024

PHILLIP A. TALBERT  
United States Attorney

By: /s/ Emily Sauvageau  
EMILY SAUVAGEAU  
Assistant United States Attorney

Dated: November 8, 2024

/s/ Timothy Zindel  
TIMOTHY ZINDEL  
Attorney for Defendant  
VICTOR MANUEL VELAZQUEZ

Dated: November 8, 2024

/s/ Jennifer Mouzis  
JENNIFER MOUZIS  
Attorney for Defendant  
DIANA CERVANTES

**ORDER**

Pursuant to the stipulation of the parties and good cause appearing, the change-of-plea hearing and status conference previously scheduled for November 12, 2024 is continued to November 19, 2024 at 9:30 a.m. and time is excluded between November 12, 2024, and November 19, 2024, pursuant to 18 U.S.C. § 3161(h)(7)(A), B(ii), (iv) (Local Codes T2 and T4).

IT IS SO ORDERED.

Dated: November 8, 2024

Dale A. Drozd  
DALE A. DROZD  
UNITED STATES DISTRICT JUDGE